

In the claims:

Please cancel claim 11.

REMARKS

Upon entry of the foregoing amendment, claims 1-6, 10, 12-14, 16, 19, 22, and 25 are pending in the application. Claim 11 has been canceled without intention to abandon the subject matter of this claim as filed, but with the intention of pursuing claims of the same, lesser or greater scope in a continuation, continuation-in-part, or divisional application. Claims 1-6, 10-14, 16, 19, 22, and 25 were considered in the Office Action of July 6, 1998.

In the pending Office Action, the Examiner declined to enter amendments to the specification submitted in the Amendment and Response filed April 27, 1998. Rather, the Examiner required a substitute specification in compliance with 37 C.F.R. §1.125(a). In addition, the Examiner maintained a rejection of claim 11 under 35 U.S.C. §112 and claims 4-5 under 35 U.S.C. §102 as being anticipated by Tsuda et al., *Biochem. and Biophys. Res. Comm.*, 234 (1997) 137-142 (hereinafter “Tsuda et al.”). Finally, the Examiner allowed claims 1-3, 6, 10, 12-14, 19, 22, and 25 in the Office Action mailed July 6, 1998.

RESPONSE TO OFFICE ACTION

Specification

In the Office Action, the Examiner requested a substitute specification excluding claims pursuant to 37 C.F.R. §1.125(a). Accordingly, Applicants submit herewith a substitute specification under 37 C.F.R. §1.125(a) reflecting the amendments presented in the previous Amendment and Response filed April 27, 1998. The substitute specification, as set forth under §1.125(b), only contains subject matter from the original specification and is accompanied by 1) a statement that the substitute specification contains no new matter, and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the original specification was filed. The substitute specification corresponds to pages 1-86 and page 91 of the specification as originally filed and is exclusive of claims, drawings and sequence listing of the originally-filed specification.

In compliance with the Examiner’s request in the Office Action mailed July 6, 1998, the amendments to the specification that were requested by the Examiner in the previous Office Action mailed December 22, 1997 regarding the Abstract, Brief Description of the Drawing and sequence compliance, are set forth herein in the enclosed substitute specification.

Priority

In the pending Office Action, the Examiner acknowledged Applicants' claim for benefit under 35 U.S.C. §119 to international application PCT/JP96/00374 filed February 20, 1996, and foreign priority based on applications filed in Japan on February 20, 1995 and July 21, 1995. The Examiner noted that certified copies of applications made in Japan on February 20, 1995 and July 21, 1995 have not been filed in the instant application as required to perfect priority under 35 U.S.C. §119(b) and §365(c). Further noted by the Examiner, Applicants erred in stating in their response filed April 27, 1998, that these priority documents were filed with the response. Applicants submit herewith certified copies of Japanese priority documents 54977/1995 and 207508/1995, filed on February 20, 1995 and July 21, 1995, respectively.

Also, as noted by the Examiner, certified copies of PCT/JP96/00374 filed February 20, 1996, were not submitted with Applicants' response on April 27, 1998. Applicants therefore submit herewith: 1) a certified copy of an English translation of PCT/JP96/00374; and 2) a certified copy of the originally filed PCT/JP96/00374.

Applicants, in this response, believe that requirements under 35 U.S.C. §119(b) and §365(c) for perfecting priority under 35 U.S.C. §119 and 35 U.S.C. §365 have been met.

Drawings

As correctly noted in the Office Action, Applicants acknowledge their error in stating that formal drawings were submitted with the response filed on April 27, 1998. Applicants respectfully request that the requirement for submission of formal drawings be postponed until after the claims, as amended, have been allowed.

Claim Rejections Under 35 U.S.C. §112

Claim 11 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants cancel claim 11 thereby obviating this rejection. Applicants respectfully request that the rejection to claim 11 be withdrawn.

Claim Rejection Under 35 U.S.C. §102

Claims 4 and 5 are rejected under 35 U.S.C. §102(a) as being anticipated by Tsuda et al. Applicants submit herewith a certified English translation of the priority document PCT/JP96/00374 which was filed on February 20, 1996 and claims priority to Japanese

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applications 54977/1995, filed on February 20, 1995 and 207508/1995, filed on July 21, 1995. These priority documents ante-date the publication date of Tsuda et al. Basis for claim 4 may be found at least at pages 15-19, and at page 22, lines 13-14; basis for claim 5 may be found at least at page 15, lines 3-4 of the enclosed certified English translation of the original PCT/JP96/00374 application. Consequently, Tsuda et al. is not prior art to the instant application under 35 U.S.C. §102. Applicants respectfully request that the rejection be withdrawn.

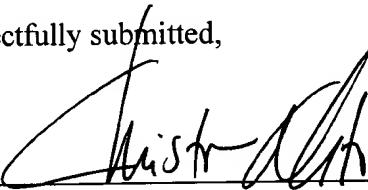
Allowable Claims

Applicants acknowledge with thanks the Examiner's determination that claims 1-3, 6, 10, 12-14, 19, 22, and 25 are allowed.

CONCLUSION

Applicants respectfully urge, in view of the foregoing amendments and remarks, that all claims, as amended, are in condition for allowance. Accordingly, Applicants respectfully request reconsideration of the elected claims as amended, and prompt and favorable action in the application. If the Examiner believes a telephone conference with the undersigned agent would be helpful in expediting prosecution of this application, he is urged to call the undersigned at (617) 248-7368.

Respectfully submitted,


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